

**TOWN OF UNDERHILL
SELECTBOARD MEETING MINUTES
5:30 p.m., Thursday, December 5, 2013**

Selectboard: Brad Holden, Seth Friedman and David Rogers

Town Staff: Brian Bigelow, Town Administrator, RaMona Sheppard, Town Finance Officer

Public: Peter Duval, Trevor Squirrel, David Edson

5:30 p.m. Meeting called to order. Seth Friedman made a motion to enter Executive session with Town Administrator and Town Financial Officer to discuss a personal matter. Motion passed 3-0. The Board exited executive session at 6:00 p.m.

6:01 p.m. Public Comment – None.

6:02 p.m. Capital Improvement Program.

Discussion about the draft CIP resulted in modifications being made to the draft, specifically: remove the Class III Gravel Roads reconstruction and Post Office Heating system, defer the Concrete Box at Corbett Road for 2 years, defer repairs to Tennis Court for 1 year, reduce Town Hall renovations to \$20,000. By consensus the board decided to warn a public hearing on the CIP for January 2, 2014.

6:20 p.m. Trevor Squirrel, David Edson, Underhill Planning Commission, re: Proposed Zoning Bylaw Amendments

The Underhill Planning Commissioners Trevor Squirrel (Chair) and David Edson reviewed the proposed changes to the Town of Underhill, VT Unified Land Use & Development Regulations. The primary issue remains the status of the map attached to the 2011/2012 regulations. That version is error (Timeline attached). The lack of a valid map holds up the full rewrite. The Planning Commission Public Hearing has been warned for December 18, 2013. It is anticipated that the Selectboard would schedule their public hearing on or about January 9, 2014 prior to a Town vote on March 4, 2014.

Squirrel also advises the Selectboard that the Planning Commission has completed their review of the applications for the Planning and Zoning Position. Initial Interviews and reference checks of the three finalists have been completed and the Planning Commission was ready to put forward their recommendation. By consensus the Board determined to hold a Special Meeting on Monday, December 9 at 8:30 with an agenda item of having an Executive Session for that personnel matter. Staff to warn same.

6:42 p.m. New Business

Underhill STP BP13(5) Park Street to Dumas Road Bicycle/Pedestrian Grant–

Selectboard reviewed proposed Cooperative Agreement between the Town of Underhill and the State of Vermont Agency of Transportation.

Seth Friedman moved to approve Cooperative Agreement Underhill STP BP13(5) – Contract No. CA0367. David Rogers seconded and the motion passed 3-0. The Chair signed for the Town. Staff to forward signed copy to State for final execution.

Underhill STP BP13(5) Park Street to Dumas Road Bicycle/Pedestrian Grant – Selectboard reviewed proposed Agreement for Project Management Services between the Town of Underhill and the Chittenden County Regional Planning Commission. Seth Friedman moved to approve the Agreement For Project Management Services for the project funded in part (81.08% Federal, 8.92% State and 10% Local) under Underhill STP BP13(5) – Contract No. CA0367. David Rogers seconded and the motion passed 3-0. The Chair signed for the Town. Staff to forward signed copy to CCRPC for final execution.

Access Permit of work with Town Right-of-Way – Selectboard reviewed application of Vermont Gas to bore under River Road to provide service to 54 River Road. Location reviewed by Town Administrator and Road Foreman. Seth Friedman moved to approve work within the River Road right-of-way by VT Gas. Work is to be performed by boring underneath at a minimum depth of four feet (4') rather than an open trench. David Rogers seconded and the motion passed 3-0. Chair signed the application. Staff to forward permit.

Funding for Town Christmas Party – Request by Town Clerk to use the Town credit card for the Town employee Christmas Party, tentatively scheduled (weather permitting for Road Crew availability) for December 20, 2013. Seth Friedman moved to authorize use of the Town Credit Card for that purpose. David Rogers seconded and the motion passed 3-0.

6:55 p.m. Old Business

New Road – Seth Friedman proposed that it was time to review the Trail Ordinance. Discussion ensued and by consensus the Board decided to set a date and hold a hearing on that ordinance after reaching out to public and to area land owners. Town Administrator to work on scheduling hearings for this, CIP, Jackson Hill and Zoning amendments.

Town Highway Garage – Town Administrator and Road Foreman met on site with Architect Bernie O'Rourke from Wiemann-Lamphere to discuss options. Staff to provide O'Rourke with details from most recent spray on insulation.

Speeding on River Road – Resident Denise McCord contacted the Town regarding speeding issues in Underhill Center. Town Administrator to forward information on to Chittenden County Sheriff's Department, request speed study from CCRPC and relay that information to Ms. McCord.

7:03 p.m. Results of Executive Session – Seth Friedman summarized the 5:30 Executive Session as a useful discussion about the Personnel Policy to include

scheduling and the rules for utilization of Compensatory Time. He moved, David Rogers seconded and the Board voted 3-0 to compensate the Town Administrator with a one time \$2,000 payment.

7:05 p.m. Warrants and Minutes

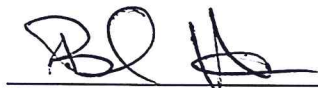
Review of 11/21/13 Minutes. Seth Friedman moved to approve the minutes of 11/21/2013. Brad Holden seconded and the motion passed 2-0 (Rogers abstaining).
Review of 11/07/13 Minutes. David Rogers moved to approve the minutes of 11/07/2013. Seth Friedman seconded and the motion passed 3-0.

7:10 p.m. Announcements/Schedule

Announcement made of next regular Selectboard Meeting scheduled for Dec. 19, 2013. Special meetings scheduled for December 9 at 8:30AM and December 11 at 5:00PM, with major topics of Personnel Issue and the FY14-15 Budget respectively.

7:16 p.m. Adjournment.

Brian Bigelow, Town Administrator
Read and Approved as submitted/amended



Brad Holden, Chair

12/19/2013

Date

TOWN OF UNDERHILL PLANNING COMMISSION

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NOTICE OF PUBLIC HEARING

The Underhill Planning Commission hereby provides notice of a public hearing pursuant to 24 VSA §§ 4441, 4442, for the purpose of receiving public comment on proposed **Amendments to the Town of Underhill Unified Land Use and Development Regulations**, adopted in 2011 and amended in 2012 (the "Regulations"). A public hearing is scheduled for December 18, 2013, 6:30 PM, Underhill Town Hall, 12 Pleasant Valley Road, Underhill, VT.

Purpose: Bylaw amendments are proposed to: 1) clarify the reference in the Unified 2011 and 2012 Regulations to "Town of Underhill Zoning Map", and 2) correct an error in the 2011 and 2012 Regulations concerning the boundary of the Soil and Water Conservation District on a portion that abuts the Ethan Allen Firing Range.

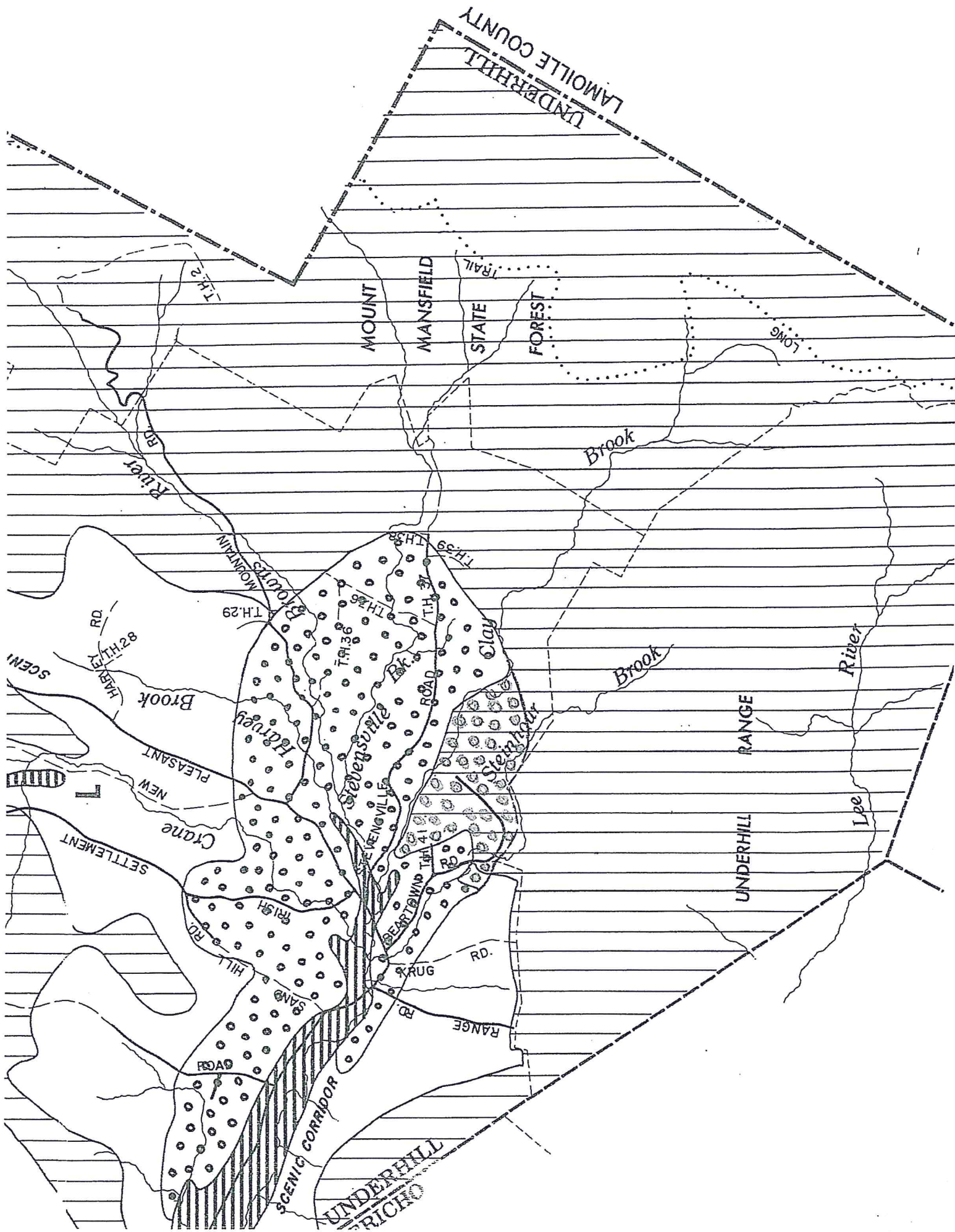
Geographic Areas Affected: The area affected is part of the southern boundary of the Soil and Water Conservation District roughly along Steinhour Brook.

Proposed Bylaw Amendments: To add the following underlined text to Article II, Section 2.1 of the Regulations:

C. The official "Town of Underhill Zoning Map" is Appendix A "Zoning Map" (revision date June, 1985) to the September 1985 Underhill zoning regulations, subject to subsection D below.

D. Notwithstanding the foregoing or any other provision of these Unified Land Use and Development Regulations, the adjustment to the southern boundary of the Water Conservation District adopted by the Planning Commission on October 24, 1972 as Paragraph III of proposed amendments to the Comprehensive Plan and by the Selectboard on December 27, 1972 shall continue in full force and effect.

Proposed amendments, supporting information and the map are available at the Underhill Town Office, 12 Pleasant Valley Road, Underhill, VT and on the town website www.underhillvt.gov.



THE PROBLEMS

- The 2011 regulations, amended in 2012, refer to “the official ‘Town of Underhill Zoning Map,’ which is incorporated as part of these regulations”
- There is no map named “Town of Underhill Zoning Map”
- The map attached to the 2011/2012 regulations gets the Water Conservation District boundary wrong along part of the Range boundary and in that respect is inconsistent with prior known zoning maps.

AREA AFFECTED

- The southern edge of some lots along Beartown Rd: 108, 164, 166 & 190.

TIMELINE

- Until 1972: the Soil & Water Conservation district extended north to Clay Brook in the relevant area.
- 1972: Planning Commission (10/24/72) and Selectboard (12/27/72) moved the Soil & Water boundary south to the Range boundary: revision was shown in red on a map and described as
“[The map] is modified by transfer of the more or less triangular area (shown on the map with red circles) from the Soil and Water Conservation Area to the Water Conservation Area. This area is roughly bounded by Clay Brook to the north, the Underhill Range to the south and a portion of the Soil and Water Conservation boundary to the west.”
- 1973 – 2011: The 1972 boundary change continued to be incorporated on zoning maps until 2011. The clearest version is the June, 1985 revision. (Handout)
 - *2003: The 2003 zoning regulations adopted as official a November, 1984 version of the map, instead of the June, 1985 revision. This was apparently an oversight.*
- 2011: The new zoning regulations nullified the 2003 regulations and attached a map that draws a straight line across the affected lots, contrary to previous zoning maps and the 1972 Selectboard decision.
 - The source of the error seems to be a map done for an *ad hoc* traffic study 20 years ago.
 - The error has been perpetuated in various ways, including in Town Plans (which are not zoning regs) and in the 2011/2012 zoning regulations.
- Now: clearest version of the correct map is the June, 1985 revision, which (unlike the 2011/2012 map) defines the measured boundaries of the various districts.

PROPOSED SCHEDULE: 12/18 – PC public hearing and submission to Selectboard;
12/19 – Selectboard schedules public hearing and proceeds to warn;
1/9/2014 or soon after – Selectboard public hearing;
March – Town Meeting